

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BENIHANA OF TOKYO, INC.)	
)	
Plaintiff,)	
v.)	Civil Action No. 10-1051 SLR
)	
BENIHANA INC. and NOODLE)	
TIME, INC.,)	
)	
Defendants.)	

**STIPULATION AND ORDER FIXING TIME BY WHICH
PLAINTIFF MAY FILE SECOND AMENDED COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED by and between the parties hereto, through their undersigned counsel, and subject to the approval of the Court, that the last date by which the plaintiff Benihana of Tokyo, Inc. may file a second amended complaint (for which leave to file was granted in the Court's Order of December 13, 2011) shall be and hereby is fixed as Monday, January 9, 2012.

/s/ David M. Powlen

David M. Powlen (#4978)
David.Powlen@btlaw.com
Mark R. Owens (#4364)
Mark.Owens@btlaw.com
BARNES & THORNBURG LLP
Suite 1200
1000 North West Street
Wilmington, Delaware 19801
(302) 888-4536

Counsel for Plaintiff

/s/ Laura D. Hatcher

Robert W. Whetzel (#2288)
Whetzel@rlf.com
Laura D. Hatcher (#5098)
Hatcher@rlf.com
RICHARDS, LAYTON & FINGER, P.A.
One Rodney Square
920 N. King Street
Wilmington, Delaware 19899
(302) 651-7700

Counsel for Defendants

SO ORDERED this _____ day of _____, 2011.

SUE L. ROBINSON
UNITED STATES DISTRICT JUDGE